

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RYAN DALE OLD CHIEF,

Defendant.

CR 16-73-GF-BMM-JTJ

**FINDINGS AND
RECOMMENDATIONS**

I. Synopsis

Defendant Ryan Dale Old Chief (Old Chief) has been accused of violating the conditions of his supervised release. Old Chief admitted all of the alleged violations. Old Chief's supervised release should be revoked. Old Chief should be placed in custody for 12 months and 1 day, with no supervised release to follow. Old Chief should serve his term of custody at FCI Greenville in Greenville, Illinois.

II. Status

Old Chief pleaded guilty to Sexual Abuse of a Minor on January 17, 2017. (Doc. 23). The Court sentenced Old Chief to 40 months of custody, followed by 5 years of supervised release. (Doc. 32). Old Chief's current term of supervised

release began on July 21, 2023. (Doc. 103 at 2).

Petition

The United States Probation Office filed an Amended Petition on August 10, 2023, requesting that the Court revoke Old Chief's supervised release. (Doc. 103). The Amended Petition alleged that Old Chief had violated the conditions of his supervised release: 1) by using methamphetamine on two separate occasions; 2) by failing to successfully complete his sex offender treatment program; 3) by possessing a psychoactive substance; 4) by knowingly having contact with a child under the age of 18; and 5) by failing to maintain full time employment.

Initial appearance

Old Chief appeared before the undersigned for his initial appearance on August 17, 2023. Old Chief was represented by counsel. Old Chief stated that he had read the petition and that he understood the allegations. Old Chief waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation hearing

The Court conducted a revocation hearing on August 17, 2023. Old Chief admitted that he had violated the conditions of his supervised release: 1) by using

methamphetamine on two separate occasions; 2) by failing to successfully complete his sex offender treatment program; 3) by possessing a psychoactive substance; 4) by knowingly having contact with a child under the age of 18; and 5) by failing to maintain full time employment. The violations are serious and warrant revocation of Old Chief's supervised release.

Old Chief's violations are Grade C violations. Old Chief's criminal history category is III. Old Chief's underlying offense is a Class C felony. Old Chief could be incarcerated for up to 24 months. Old Chief could be ordered to remain on supervised release for up to 24 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 5 to 11 months.

III. Analysis

Old Chief's supervised release should be revoked. Old Chief should be incarcerated for 12 months and 1 day, with no supervised release to follow. This sentence is sufficient but not greater than necessary. Old Chief should serve his term of custody at FCI Greenville in Greenville, Illinois.

IV. Conclusion

The Court informed Old Chief that the above sentence would be recommended to Chief United States District Judge Brian Morris. The Court also informed Old Chief of his right to object to these Findings and Recommendations

within 14 days of their issuance. The Court explained to Old Chief that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose. Old Chief stated that he wished to waive his right to object to these Findings and Recommendations, and that he wished to waive his right to allocute before Judge Morris.

The Court FINDS:

That Ryan Dale Old Chief violated the conditions of his supervised release: by using methamphetamine on two separate occasions; by failing to successfully complete his sex offender treatment program; by possessing a psychoactive substance; by knowingly having contact with a child under the age of 18; and by failing to maintain full time employment.

The Court RECOMMENDS:

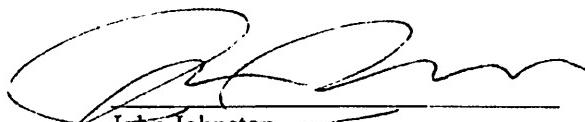
That the District Court revoke Old Chief's supervised release and commit Old Chief to the custody of the United States Bureau of Prisons for 12 months and 1 day, with no supervised release to follow. Old Chief should serve his term of custody at FCI Greenville in Greenville, Illinois.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A United States district court judge will

make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may waive the right to appear and allocute before a district court judge.

DATED this 18th day of August, 2023.



John Johnston
United States Magistrate Judge